IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

GARY D. WILLIAMS   PETITIONER

v.   No. 1:14CV4-SA-DAS

STATE OF MISSISSIPPI, ET AL.   RESPONDENTS

CERTIFICATE OF APPEALABILITY

A notice of appeal having been filed in the above captioned case from either the final order in a *habeas corpus* proceeding in which the detention complained of arises out of process issued by a state court under 28 U.S.C. § 2254 or the final order in a proceeding under 28 U.S.C. § 2255, the court, considering the record in the case and the requirements of Fed. R. App. P. 22(b) and 28 U.S.C. § 2253(c), hereby finds that:

PART A

☐   the applicant has made a substantial showing of the denial of a constitutional right.

SPECIFIC ISSUE(S):

☒   **a certificate of appealability should not issue.**

REASONS FOR DENIAL: For the reasons stated in its opinion, the court finds that the Petitioner has failed to "demonstrate that the issues are debatable among jurists of reason; that a court could resolve issues in a different manner; or that the questions are adequate to deserve encouragement to proceed further." *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4, 103 S.Ct. 3383, 3394 n.4, 77 L.Ed.2d 1090 (1993) (superseded by statute) (citations and quotations omitted); 28 U.S.C. § 2253(c) (1) and (2). Specifically, the court finds, for the reasons set forth in its memorandum opinion and final judgment, that the instant petition for a writ of habeas corpus should be dismissed with prejudice and without

evidentiary hearing as untimely filed.

PART B (if applicable)

☐   The party appealing is entitled to proceed *in forma pauperis*.

☒   **The party appealing is not entitled to proceed *in forma pauperis*.**

REASONS FOR DENIAL: The court finds that the petitioner's appeal is not taken in good faith

because it is frivolous and has no possibility of success. See Fed. R. App. P. 24.

        SO ORDERED, this, the 4th day of November, 2014.

                                        /S/ SHARION AYCOCK
                                        CHIEF JUDGE
                                        U. S. DISTRICT JUDGE